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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

- and -

**PACIFIC GAS AND ELECTRIC
COMPANY**

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric
Company
☒ Affects both Debtors

** All papers shall be filed in the Lead Case,
No. 19-30088 (DM).*

Bankruptcy Case No. 19 - 30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**DECLARATION OF KEVIN J. ORSINI IN
SUPPORT OF *EX PARTE* MOTION OF
DEBTORS FOR ORDER CONTINUING
THE HEARING ON THE MOTIONS OF
THE OFFICIAL COMMITTEE OF TORT
CLAIMANTS AND THE AD HOC
GROUP OF SUBROGATION CLAIM
HOLDERS FOR RELIEF FROM
AUTOMATIC STAY**

Related Documents: Dkt. 2863, 2904

[No hearing requested]

1 I, Kevin J. Orsini, hereby declare under penalty of perjury as follows:

2 1. I am a partner at Cravath, Swaine & Moore LLP, attorneys for PG&E Corporation
3 and Pacific Gas and Electric Company, as debtors and debtors in possession (collectively,
4 **“PG&E”** or the **“Debtors”**).

5 2. I submit this declaration pursuant to Rule 9006-1 of the Bankruptcy Local Rules
6 for the United States Bankruptcy Court for the Northern District of California (the **“Local Rules”**)
7 in support of the Debtors’ *ex parte* motion (the **“Motion to Continue”**), pursuant to section 105(a)
8 of title 11, United States Code, Rule 9006 of the Federal Rules of Bankruptcy Procedure, and Local
9 Rule 9001-1, for entry of an order continuing the hearing date of the Official Committee of Tort
10 Claimants’ (**“Tort Claimants Committee”** or **“TCC”**) *Amended Motion for Relief from the*
11 *Automatic Stay to Permit a State Court Jury Trial of the 2017 Tubbs Wildfire Claims* [Docket No.
12 2904] and the Ad Hoc Group of Subrogation Claim Holders’ (**“Ad Hoc Subrogation Group”**)
13 *Motion for Relief from the Automatic Stay* [Dkt. No. 2863] (collectively, the **“Stay Relief**
14 **Motions”**), so that they may be heard together with the Debtors’ *Motion for the Establishment of*
15 *Wildfire Claims Estimation Procedures* [Dkt. No. 3091] (the **“Estimation Motion”**) on August
16 14, 2019, or on such other date as the Court may schedule.

17 3. By the Motion to Continue, the Debtors seek to have the hearing on the TCC’s and
18 Ad Hoc Subrogation Group’s Stay Relief Motions, currently set for July 24, 2019, continued so
19 that the Stay Relief Motions may be heard on the same date as the Debtors’ Estimation Motion,
20 which is currently scheduled to be heard on August 14, 2019.

21 4. The central issues raised in the TCC’s and Ad Hoc Subrogation Group’s Stay Relief
22 Motions are also at the heart of the Debtors’ Estimation Motion. The Debtors, the TCC and the Ad
23 Hoc Subrogation Group all agree that the issue of PG&E’s liability for the Tubbs Fire is a critical
24 threshold issue in these cases and should be addressed promptly. However, the TCC’s and Ad
25 Hoc Subrogation Group’s proposal for resolving this critical issue, seeking relief from the stay so
26 a handful of claimants may proceed to liquidate their unrepresentative claims in state court, differs
27 significantly from the Debtors’ proposal of addressing the likelihood of success as part of an
28

1 estimation proceeding in this Court. Given the importance of this threshold valuation issue to the
2 resolution of these Chapter 11 Cases, the Court should have the benefit of reviewing briefing on
3 the proposals of both the TCC and Ad Hoc Subrogation Group *and* the Debtors and hearing
4 arguments on these Motions contemporaneously before making this critical ruling.

5 5. I believe that deciding the TCC's and Ad Hoc Subrogation Group's Stay Relief
6 Motions separate and apart from the Debtors' Estimation Motion would be inefficient and
7 prejudicial to Debtors' ability to emerge from chapter 11 prior to the June 30, 2020, legislative
8 deadline.

9 6. There have been no previous modifications to the date of the hearing of either the
10 TCC's or the Ad Hoc Subrogation Group's Stay Relief Motions.

11 7. Because the Debtors' Estimation Motion already is scheduled to be heard on
12 August 14, 2019, continuing the TCC's and Ad Hoc Subrogation Group's Stay Relief Motions to
13 that same date will not have a negative effect on the schedule for these Chapter 11 Cases.

14 8. I spoke today with Matthew Feldman of Willkie Farr & Gallagher LP, counsel for
15 the Ad Hoc Subrogation Group, to seek consent to the relief sought in the Motion to Continue.
16 My firm also sent an e-mail to Robert Julian at Baker & Hostetler LLP, counsel to the TCC,
17 requesting consent. The Ad Hoc Subrogation Group and the TCC have refused to consent to the
18 relief sought. The Ad Hoc Subrogation Group did not provide a reason. A copy of the TCC's
19 response is attached hereto as Exhibit A.

20 I declare under penalty of perjury that, to the best of my knowledge and after
21 reasonable inquiry, the foregoing is true and correct

22
23 Dated: July 19, 2019

24
25 /s/ Kevin J. Orsini

26 Kevin J. Orsini